

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.20439 OF 1994

Date 29.12.2006

Between:

K.V.K.Raju, S/o. late K.V.S.Raju.

..... PETITIONER

AND

The Registrar, Andhra University, Waltair Visakhapatnam & others.

.....RESPONDENTS

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O R D E R:

In this writ petition, while the petitioner, an erstwhile lecturer in Commerce, challenges the order dated 08-07-1994, compulsorily retiring him from service with effect from 31-01-1991 as arbitrary and illegal, Sri P. Sri Raghuram, learned counsel for the petitioner, would submit that, since the petitioner had died on 28-02-2006 during the pendency of the writ petition, and as his legal representatives have now been brought on record, it would suffice if this Court, without examining the validity of the order of compulsory retirement, directs the respondents to pay the terminal benefits due to the deceased writ petitioner, as even if the order of punishment of compulsory retirement is held to be valid, his legal representatives (petitioners 2 to 7) would be entitled to be paid the terminal benefits due and payable to the deceased employee. Learned counsel would submit that, as against the terminal benefits due to an employee on his being compulsorily retired from service, the respondents had not paid the amounts due towards provident fund, family pension, gratuity etc which are due and payable to the legal representatives of the deceased writ petitioner (petitioners 2 to 7).

In view of this submission of the learned counsel, this Court is not required to examine the validity of the impugned order of compulsory retirement dated 08-07-1994. Suffice it to hold that the legal representatives of the deceased writ petitioner shall be entitled to be paid the retiral benefits due and payable to an employee, who has been compulsorily retired from service. The amounts so due shall be computed in accordance with law and paid to the legal representatives of the deceased employee within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

29-12-2006

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